

REMARKS

I. Amendments

By this amendment, claims 1, 2, 4, 13-15, 17, 18, 21, 24 and 27 have been amended and claims 6, 25, 26, 31 and 32 have been cancelled.

This amendment adds no new matter to the specification. Support for this amendment is found in the specification and claims as filed.

No change of inventorship is necessitated by this amendment.

II. Acknowledgement of Allowable Claims

Applicants acknowledge the Examiner's indication of the allowability of claims 28-30.

III. Discussion of the Restriction Requirement

The Examiner has defined the examined subject matter on page 2 of the Office Action. The elected subject matter has been characterized more than one way by the Examiner over the course of the prosecution of the case. Nevertheless, Applicants believe that the claims as presently amended meet the Examiner's more recent definition of elected subject matter. Applicants submit therefore that the claims as amended are in conformance with the restriction requirement.

IV. Discussion of the Previous Rejection of Claims 17 and 25 under 35 U.S.C. Sec. 112, Second Paragraph

Claims 17 and 25 stand rejected under 35 U.S.C. Sec. 112, second paragraph as allegedly vague. Applicants respectfully traverse the rejection. Each aspect of the rejection will be discussed separately in the following paragraphs.

Objection to Claim 17

In claim 17, the Examiner believes that the language “wherein the symbols have the same meanings as in claim 1” is unclear. The reason given is that it is not clear which symbols the Applicant is referring to in the claim.

Applicants disagree that claim 17 is unclear, but in order to expedite prosecution they have amended claim 17 to emphasize its dependency on claim 1. Therefore, Applicants submit that this aspect of the rejection has been obviated.

Objection to Claim 25

The Examiner has indicated that the phrase “complications of diabetes” is allegedly ambiguous. Applicants respectfully traverse the rejection.

Applicants disagree that claim 25 is unclear, but in order to expedite prosecution Applicants have cancelled claim 25 without prejudice to the filing of future continuing applications by this amendment. Therefore, Applicants submit that this aspect of the rejection has been obviated.

Therefore, Applicants respectfully request withdrawal of the previous 35 U.S.C. Sec. 112, second paragraph rejection.

V. Discussion of the New Rejection of Claims 1-7, 9, 13-15, 17, 18, 21 and 24-27 under 35 U.S.C. Sec. 112, Second Paragraph

Claims 1-7, 9, 13-15, 17, 18, 21 and 24-27 have been rejected under 35 U.S.C. Sec. 112, second paragraph as allegedly vague. Applicants respectfully traverse the rejection. Each aspect of the rejection will be discussed separately in the following paragraphs.

Objection to the Phrase “optionally substituted cyclic group”

The Examiner has objected to the use of the phrase “optionally substituted cyclic group” in claims 1-7, 9, 13-15, 17, 18, 21 and 24-27.

As an initial matter, Applicants note that this phrase is not found in claims 14, 15 or 27.

By this amendment, Applicants have modified independent claims 1, 18, 21 and 24 to limit the optionally substituted cyclic groups of substituent Z to certain types of cyclic groups. This amendment adds no new matter to the specification. Support for the amendment may be found at page 22, lines 21- 24 *inter alia*. Claims 2-5, 7, 9, 13 and 17 depend upon claim 1. Applicants assert that the more specific dependent claims are also sufficiently clear.

Claims 6, 25 and 26 have been cancelled.

Therefore Applicants assert that this aspect of the objection has been overcome.

Objection to the Phrase “homocyclic aromatic group”

The Examiner has objected to the use of the phrase “homocyclic aromatic group” in claims 1-7, 9, 13, 15, 17, 18, 21 and 24-27.

By this amendment, Applicants have modified independent claims 1, 18, 21, 24 and 27 to limit the homocyclic aromatic groups of ring A to certain types of cyclic groups. This amendment adds no new matter to the specification. Support for the amendment may be found at page 14, line 18- page 15, line 5 *inter alia*. Claims 2-5, 7, 9, 13, 15 and 17 depend upon claim 1. Applicants assert that the more specific dependent claims are also sufficiently clear.

Claims 6, 25 and 26 have been cancelled.

Therefore Applicants assert that this aspect of the objection has been overcome.

Objection to the Term "piperidinyl"

The Examiner has objected to the recitation of "piperidinyl" in claim 4 for allegedly lacking proper antecedent basis.

As an initial matter, Applicants note that the term "piperidinyl" *is not* used in claim 4.

However, the term "piperidyl" is used as an option for R². Applicants have defined R² as an optionally substituted amino group in related independent claim 1. Since optionally-substituted amino groups are defined by Applicants to include heterocyclic groups on page 46, lines 4-11 of the specification, Applicants believe that claim 4 does have proper antecedent basis in claim 1. However, to expedite prosecution, Applicants have deleted the term "piperidyl" from claim 4. As it also appears in claim 14, the term has been eliminated from that claim as well.

Therefore, Applicants submit that this aspect of the rejection has been obviated.

Objection to Claim 17

The Examiner has objected to claim 17 as allegedly not being a proper dependent claim. Applicants disagree that claim 17 is unclear, but in order to expedite prosecution they have amended claim 17 to emphasize its dependency on claim 1.

In addition, the Examiner has objected to the use of the phrase "its reactive derivative" in claim 17. To expedite prosecution, Applicants have deleted this phrase from claim 17.

Therefore, Applicants submit that this aspect of the rejection has been obviated.

Therefore, Applicants respectfully request withdrawal of the new 35 U.S.C. Sec. 112, second paragraph rejection.

VI. Discussion of the Rejection of Claims 25, 26, 31 and 32 under 35 U.S.C. Sec. 112, First Paragraph

Claims 25, 26, 31 and 32 have been rejected under 35 U.S.C. Sec. 112, first paragraph as allegedly lacking enablement in the recitation of treatment of diabetic complications and intractable diarrhea. Applicants respectfully traverse the rejection.

Applicants disagree that claims 25, 26, 31 and 32 lack enablement, but to expedite prosecution Applicants have cancelled these claims by this amendment without prejudice to the filing of future continuing applications. Questions of enablement are thereby rendered moot.

Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, first paragraph rejection.

VII. Discussion of the Rejection of Claims 1, 4-7 and 18 under 35 U.S.C. Sec. 102(b) over Girault *et al.*

Claims 1, 4-7 and 18 have been rejected under 35 U.S.C. Sec. 102(b) as allegedly anticipated by the teachings of Girault *et al.* (Bioorganic and Medicinal Chemistry Letters article, 1998). Applicants respectfully traverse the rejection.

By this amendment, the independent claims 1 and 18 have been amended to recite L as an optionally substituted alkylene group. Since the cited compounds of the cited reference all have a bond at the site correspondant to L, Applicants assert that the claims as amended are not anticipated by the cited reference.

In addition, independent claims 1 and 18 have been limited to Y = two hydrogen atoms in accordance with the imposed restriction requirement by this amendment. As the compounds which the Examiner has cited all have an oxygen atom at the Y-corresponding site of compounds of the present invention, this is a further reason that the claims as amended are not anticipated by the cited reference.

Claim 6 has been cancelled. Claims 4, 5 and 7 depend upon claim 1. Applicants assert that the more specific dependent claims are also not anticipated by the cited reference for the reason provided above.

Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 102(b) rejection over Girault *et al.*

VIII. Conclusion

Consideration of the claims as amended and allowance is requested. Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, she is respectfully requested to call Applicants' attorney at (847) 383-3391.

Respectfully submitted,

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